IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLAVANIA

IN RE: Campisi Construction, In.

BKY. NO. 14-12458 jkf

Debtor

CHAPTER 7

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RESPONSE OF CREDITOR, GEORGE CAMPISI TO MOTION FOR APPROVAL OF SETTLEMENT

George Campisi, responds and objects to the Motion for Approval of Settlement as follows:

- 1. The settlement and Stipulation presupposes that the ECI claim is secured by the Cornerstone funds based upon a garnishment judgment against Cornerstone in the ECI state court action dated December 23, 2013.
- 2. Creditor, George Campisi has a valid security interest in the Cornerstone receivable by virtue of a UCC-1 Financing Statement filed with the Secretary of the Commonwealth on August 20, 2013. A copy of the Financing Statement is attached hereto as Exhibit "A".
- 3. The settlement and Stipulation proposes for the Estate and ECI to share in the Cornerstone receivable in derogation of George Campisi's prior security interest in the collateral.
- 4. The settlement proposes to withdraw the Debtor's Objections to ECI Claims Nos. 7, 8, and 11 and the Debtor's Objection to the Cougar Claim No. 9.
- 5. Cougar's Claim No. 9 is for unpaid rent allegedly owed to Cougar (assignee of the original Lessor) in the amount of \$189,955.67
- 6. Upon information, pursuant to the Lease, Debtor was not liable for rent if the Lessor was unable to deliver possession by March 1, 2008.
- 7. Upon information, by letter dated April 2, 2008, a letter of termination of the Lease was sent to Lessor indicating that Debtor had not received possession by March 1, 2008, and within 30 days thereafter.
- 8. Upon information, Cougar admitted in its Amended Complaint in the state Court action that the possession was not able to be delivered by April 25, 2008.
 - 9. It appears that this claim should not be allowed.
- 10. ECI's Claim No. 11 is for attorneys fees allegedly owed to it by the Debtor in the amount of \$64,441.21. Attached to the Proof is a Motion for Attorneys Fees filed in the Court of Common Pleas of Montgomery County on March 17, 2014. Said Motion was never heard of ruled upon.

- 11. ECI has provided no documentation of it alleged attorney fees, or any justification that the fees are due and owed to it, or that they are reasonable or fair.
 - 12. It appears this claim should not be allowed.
- 13. The settlement appears to provide for ongoing payment of ECI's attorneys fees.
- 14. The Motion indicates that the Adversary Action No. 14-00616 shall be withdrawn with prejudice as to ECI and Cougar, but without prejudice to Cornerstone. The Stipulation indicates that the Adversary shall terminated as to Cornerstone and Creditor, ECI, without prejudice.
- 15. The settlement and Stipulation is in derogation of the rights of Answering Creditor in the Cornerstone funds and is not in the best interest of creditors.

WHEREFORE, Creditor respectfully requests that the Court require the Movant to show that the settlement in fair and equitable and in the best interests of the creditors.

George Campis

UCC FINANCING STATEMENT				File Number: 2013/082/002/89/ Date Filed: 08/20/2013 10:48 AM Carol Aichele Secretary of the Commonwealth		
FOLLOW INSTRUCTIONS A. NAME & PHONE OF CONTACT AT FILER (optional)						
Campisi, Anthony (610) 8. E-MAIL CONTACT AT FILER (optional)	222-4904					
areber@campisiconstruction.com						
C SEND ACKNOWLEDGMENT TO (Name and Address) Anthony Campisi Barcode (2106 Bustard Road Lansdale PA 19446 Fax: (610) 222-4905			rcode tos b	os big to lit in ibls area		
THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY						
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7. DEBTOR'S NAME: From the area of Debtor at the depth Shifted which				ramen dany son atme in pass Il envia datum ess, e um il C. 16		
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OR 25. INDIVIDUAL'S SURNAME	First Personal Name		ADDITIONAL NAME(SYINITIALIS) SUFFIX		SUFFIX	
26 MAILING ADDRESS	спу		STATE	POSTAL CODE	COUNTRY	
3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY). Provide only one Secured Party name (3a or 5b)						
3a ORGANIZATION'S HAKE						
OR	I FIRST PERSONAL NAME ADD		ADDITIO	ITIONAL NAME(SVINITIALIS) SUFFIX		
Campisi	George		Lynne		OUTTIA	
3c. MARING ADDRESS	CITY		STATE	POSTAL CODE	COUNTRY	
2102 Bustard Road	Lansdale		PA	19446	USA	
4, CCLLATERAL: This financing statement covers the following collate 1994 Ford VIN#1FDLF47G2REA43921 1999 FORD F450 VIN#3FDXF48F9XMA37907 2002 FORD E350 VIN#1FDWE35L52HA01483 2003 FORD F150 VIN#1FTRF18243NA09034 2003 FORD F250 VIN#1FDNF21L23EB93205 2001 FORD F250 VIN#1FTNW21S21EB21360 2004 JAGUAR VIN#SAJWA74C445G24886 2002 FORD ECONOLINE VIN# 1FTNE24L12HB29321 1998 FEATHERLITE TRAILER VIN#4FGL01226WE51 2002 70XT CASE SKID STEER LOADER MODEL#1840 SE 1994 JOHN DEERE BACKHOE LOADER MODEL#31 1995 JOHN JOHN JOHN JOHN JOHN JOHN JOHN JOHN	7 10909 XT SERIAL#JA ERIAL #JAF 00 0D SERIAL#10	45518	A Cr	n franklig oddygethyd Saed fra 23 nobridgiolog, aged methyd 3 nobridgiolog		
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